(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2470 **/2003**

PETITIONER : Gurudeo Prasad Rathore,
S/o Late Shri Guha Ram Rathore,
aged about 28 years,
R/o Village- Hala Hulli, Tehsil-
Kharasia, Distt. Raigarh (C.G.)

- Versus –

RESPONDENTS :

1. State of Chhattisgarh,
Through Secretary,
Panchayat & Social Welfare
Department,Mantralaya,
Shastri Chowk, Raipur (C.G.).

2. Deputy Director (Administration),
Panchayat & Social Welfare,
Raigarh (C.G.).

3. Joint Director (Administration),
Panchayat & Social Welfare,
Raigarh (C.G.).

4. Collector,
Raigarh (C.G.).

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WRIT PETITON UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDER OR DIRECTION TO DO JUSTICE IN THE MATTER.

XI-HC-22

(30)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2470 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

30.8.2003:

Shri Prashant Jaiswal learned counsel for the petitioner.
Shri Ranbir Singh G.A. takes notice for respondents.

Heard both the counsel.

This writ petition has been preferred by the petitioner under Articles 226/227 of the Constitution of India seeking a direction to the respondents to provide compassionate appointment to the petitioner.

The case of the petitioner in brief is that the father of the petitioner namely late Shri Guha Ram Rathore was working as Gram Sahayak in Block Kharsia who died while being in service vide death certificate Annexure P-1. The petitioner applied for compassionate appointment on 5.12.1998 vide Annexure P-2. The request of the petitioner for compassionate appointment was also forwarded and recommended by the Deputy Director vide letter dated 18.6.99 which is filed along with the petition and marked as Annexure P-3. The Deputy Director again informed the Joint Director in connection with the request of the petitioner for compassionate appointment vide letter dated 23.10.99 (Annexure P-4). Thereafter the petitioner was directed to contact the Deputy Director, Panchayat and Social Welfare Department, Raigarh vide letter dated 24.2.2000 which is annexed to the petition as Annexure P-5. Subsequently, vide letter dated 20.11.2001 No Objection regarding the compassionate appointment of

आदेश पत्रक

मामला क्रमांक WP 2470 सन् 200 3

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the petitioner was written to the Collector, Raigarh which is annexed to the petition as Annexure P-6.

Counsel for the petitioner submitted that the State Government of Chhattisgarh has formulated a policy dated 10.6.2003 providing guidelines for the compassionate appointment, which is annexed to the petition as Annexure P-7. Counsel submitted that in terms of the guidelines issued by the State Government of Chhattisgarh the petitioner is fully eligible for the compassionate appointment.

I have heard counsel for the parties.

Learned counsel for the petitioner submitted that in spite of the recommendations made by the Deputy Director, the Joint Director is not considering the case of the petitioner for the compassionate appointment. According to the counsel for the petitioner the Joint Director is not even responding to the request of the petitioner nor taking any decision on the application of the petitioner for the compassionate appointment, which has been duly recommended by the Deputy Director. He further submitted that the case of the petitioner for compassionate appointment is squarely covered by the newly issued guidelines of the State of Chhattisgarh dated 10.6.2003.

Having heard the counsel for the parties and considered the facts and circumstances of the case I am of the opinion that it will be appropriate to direct the petitioner to make a detailed representation

[पीछे

(92)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2470 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

to the respondent No.3 for compassionate appointment within thirty days from today. On receipt of the representation filed by the petitioner the respondent shall consider the same in view of the newly issued guidelines of the State of Chhattisgarh and pass appropriate speaking order with regard to the request of the petitioner for compassionate appointment and intimate to the petitioner about the action taken on his representation.

Ordered accordingly.

The Writ petition stands disposed of.

Sd/-
L.C. Bhadoo
Judge

[पीछे देखिये